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Ordinance No. 5, Series, 1976

AN ORDINANCE REGULATING PARKING ON THE STREETS OF THE CITY OF ELGIN.

PARKING REGULATIONS

SECTION NO. 1. Method of Parking.

(1) No person shall park or otherwise stand a vehicle in a street other than outside a traffic lane and parrallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within 12 inches of the edge of the curb, except where the street is marked or signed for angle parking.

(2) Where parking space markings are placed on a street, no person shall stand or park a vehicle other than in the indicated direction, and unless the size or shape of the vehicle makes compliance impossible, within a single marked space.

(3) Whenever the owner or driver of a vehicle discovers that his vehicle is parked close to a building to which the fire department has been summoned, he shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers.

SECTION NO. 2. Stopping, standing, or parking prohibited in specific places.

(1) A driver shall not stop, stand or park a vehicle:

(a) On the roadway side of a vehicle stopped or parked at the edge or curb of a highway;
(b) On a sidewalk;
(c) Within an intersection;
(d) On a crosswalk;
(e) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs and markings;
(f) Alongside or opposite a street excavation or obstruction when stopping, standing or parking would obstruct traffic;
(g) Upon a bridge or other elevated structure upon a highway or within a highway tunnel;
(h) On any railroad tracks;
(i) On a controlled-access highway;
(j) In the area between roadways of a divided highway, including crossovers; or
(k) At any place where official signs prohibit stopping.

(2) A driver shall not stand or park a vehicle, except momentarily to pick up or discharge a passenger:

(a) In front of a public or private driveway, except with the owner's permission;
(b) Within 10 feet of a fire hydrant;

(c) Within 20 feet of a crosswalk at an intersection;
(d) Within 30 feet upon the approach to an official flashing signal, stop sign, yield sign or traffic control signal located at the side of the roadway;
(e) Within 15 feet of the driveway entrance to a fire station and on the side of the street opposite the the entrance to a fire station, within 75 feet of the entrance; or
(f) At any place where official signs prohibit standing.

(3) A driver shall not park a vehicle except momentarily for the purpose of and while actually engaged in loading or unloading property or passengers:

(a) Within 50 feet of the nearest rail of a railroad crossing; or
(b) At any place where official signs prohibit parking.

(4) The restrictions and prohibitions of subsections (1), (2), and (3) of this section shall not apply when the driver's disregard thereof is necessary to avoid conflict with other traffic, or in compliance with law or at the direction of a police officer or an official traffic control device.

(5) A driver who violated this section commits a Class D traffic infraction.

SECTION NO. 3. Prohibited Parking. In addition to the state motor vehicle laws prohibiting parking, no person shall park or stand:

(1) A vehicle upon a bridge, viaduct, or other elevated structure used as a street or within a street tunnel unless authorized.

(2) A vehicle in an alley except to load or unload persons or materials and then for a period not in excess of 30 consecutive minutes and provided a 10-foot passageway for vehicular traffic is left in event that the width of the alley is sufficient to permit such passageway.

SECTION NO. 4. Use of Loading Zone. No person shall park or otherwise stand a vehicle for any prupose or length of time other than for the expeditious loading or unloading of materials, freight, or passengers in a place designated as a loading zone, when the hours applicable to that loading zone are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.

SECTION NO. 5. Leaving Unattended Vehicle. No person driving or in charge of a motor vehicle shall permit it to stand unattended on a street, on property open to public travel, or on a used or new car lot without first stopping the engine, locking the ignition, removing the ignition key from the vehicle, effectively setting the brake, and when standing upon a grade, turning the front wheels to the curb or side of the street.

SECTION NO. 6. Action by Police Officer. Whenever a police officer shall find a motor vehicle standing unattended with the ignition key in the vehicle in violation of Section 5, the police officer is authorized to remove the key from the vehicle and deliver the key to the person in charge of the police station.

SECTION NO. 7. Lights on a Parked Vehicle. No lights need be displayed upon a vehicle parked in accordance with this ordinance and upon a street where there is sufficient light to reveal a person or object within a distance of 500 feet from the vehicle.

SECTION NO. 8. Extension of Parking Time. Where maximum parking time limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking.

SECTION NO. 9. Exemption. The provisions of this ordinance regulating the parking or standing of vehicles shall not apply to a vehicle of the city, county, or state, or a public utility while necessarily in use for construction or repair work on a street or a vehicle owned by the United States while in use for the collection, transportation, or delivery of mail.

GENERAL

SECTION NO. 10. Damaging Sidewalks and Curbs.

(1) The driver of a vehicle shall not drive upon a sidewalk or roadside planting strip, except to cross at a permanent or temporary driveway.

(2) No person shall place dirt, wood, or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.

(3) No person shall remove a portion of a curb or move a motor vehicle or device moved by a motor vehicle upon a curb or sidewalk without first obtaining authorization and posting bond if required. A Person who causes damage shall be held responsible for the cost of repair.

PROCEDURE, IMPOUNDMENT, AND PENALTY PROVISIONS

SECTION NO. 11. Owner Responsibility. Unless a citation has been issued to the driver, the owner of a vehicle in violation of a restriction on parking or otherwise standing may be held responsible for the municipal offense. Provided, it shall be a definse in such a prosecution, if the owner can prove that the driver of the vehicle secured the use of the vehicle without the owner's consent.

SECTION NO. 12. Citation on Illegally Parked Vehicle.

(1) Whenever a motor vehicle without a driver is found parked or otherwise standing in violation of a restriction imposed by this ordinance, the officer finding the vehicle shall take its license number and any other information displayed on the vehicle which may identify its owner, and shall conspicously affix to the vehicle a traffic citation for the driver to answer to the charge against him or pay the penalty imposed within five days during the hours and at a place specified in the citation.

(2) If the driver does not respond to a traffic citation affixed to such motor vehicle within a period of five days, the city shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event the letter is disregarded for a period of five days, a warrant of arrest will be issued.

SECTION NO. 13. Registered Owner Presumption. In the prosecution of a vehicle owner charging a violation of a restriction on parking or otherwise standing, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that he was then the owner in fact.

SECTION NO. 14. Impoundment of Vehicles.

(1) Whenever a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, a police officer shall order the owner or operator of the vehicle to remove it; If the vehicle is unattended, the officer may cause the vehicle to be towed and stored at the owner's expense. The owner shall be liable for the costs of towing and storing, notwithstanding that the vehicle was parked by another or that the vehicle was initially parked in a safe manner, but subsequently became an obstruction or hazard.

(2) The disposition of a vehicle towed and stored under authority of this section shall be in accordance with the provisions of Ordinance No. 18, Series, 1974, relating to impoundment and disposition of vehicles abandoned on the city streets.

(3) The impoundment of a vehicle will not preclude the issuance of a citation for violation of a provision of this ordinance.

(4) Vehicles reported stolen may be towed from public or private property and stored at the expense of the owner, if police processing cannot be reasonable accomplished at the point of abondonment, and if in the opinion of the police, processing is desirable.

(5) Whenever a police officer observes a vehicle parked in violation of a provision of this ordinance, if the vehicle has four or more unpaid parking violations outstanding against it, the officer may, in addition to issuing a citation, cause the

vehicle to be impounded. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid.

SECTION NO. 15. Penalties. Violations of Sections 1 through 14 are punishable by fine not to exceed $100.00, or confinement in the city jail not to exceed 10 days, or both fine and imprisonment.

SECTION NO. 16. Severability Clause. If a part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining protions of this ordinance.

Passed by the council this 13 day of April, 1976 at 9:00 o'clock M.

Approved by the Mayor this 13 day of April, 1976 at) 9 o'clock) P M.

Warren L. Stein
Mayor

ATTEST:

Ronald D Scoubes
City Recorder